

### **REMARKS**

Claims 2-8, 10-16, 22, 24, 25, 27-31 and 33-44 are now pending in the present application. Claims 3, 5, 24, 28 and 33-35 have been amended, claims 1, 9, 17-21, 23, 26 and 32 have been canceled and claims 37-44 have been added. Claims 2, 3, 5, 24, 27 and 33 are independent. Reconsideration of this application, as amended, is respectfully requested.

#### **Reasons For Entry of Amendments**

The present amendments should be entered into the official file in view of the fact that the amendments to the claims automatically place the application into condition for allowance. In the alternative, if the Examiner does not believe that the application is in condition for allowance, it is respectfully requested that the Examiner enter the amendments for the purposes of appeal. The amendments to the claims simplify the issues on appeal by amending the claims to recite subject matter that further defines the present invention over the Mengoli reference relied on by the Examiner.

It should also be noted that no new issues have been presented by the amendments made by the present Amendment. Claims 3, 5, 24 and 33 have been rewritten in independent form and claims 1, 9, 17-21, 23, 26 and 32 have been canceled. In addition, claims 37-44 have been added; however, it is believed that the Examiner's rejection of claims 2, 3, 5, 24, 27 and 33 was improper for the below mentioned reasons. In view of

this, the Examiner should enter and consider the amendments presented by the present Amendment.

### **Rejection Under 35 U.S.C. § 102**

Claims 1-36 stand rejected under 35 U.S.C. § 102(e) as anticipated by Mengoli, U.S. Patent No. 6,539,923. This rejection is respectfully traversed.

At the outset, it is respectfully pointed out that claims 1, 9, 17-21, 23, 26 and 32 have been canceled without prejudice to or disclaimer of the subject matter contained therein. In view of this, the Examiner's rejection under 35 U.S.C. § 102(e) has been rendered moot with regard to these claims.

In addition, it should be noted that claims 3, 5, 24 and 33 were previously presented in dependent form, but have now been rewritten in independent form including all of the limitations of previously presented independent claims 1 and 32, respectively, which have been canceled. Previously presented independent claims 17 and 32 have also been canceled. In view of this, independent claims 2, 3, 5, 24, 27 and 33 are pending in the present application. Applicants respectfully submit that each of these independent claims define the present invention over the Mengoli reference relied on by the Examiner.

With regard to independent claim 2, this claim is directed to an engine fuel injection apparatus and recites a combination of elements including the recitation "wherein all fuel piping and wiring to an from said fuel injection valve are located outside of said air chamber." Applicants respectfully submit that the Mengoli reference fails to disclose this

aspect of the present invention. The Examiner relies on Figure 4 and column 4, lines 11-16 and 21-33 of Mengoli in order to disclose independent claim 2 of the present invention. Referring to Figure 4 of Mengoli, there is no fuel piping and wiring illustrated in this figure. Figures 1 and 2 of Mengoli do appear to illustrate fuel piping and/or wiring; however, the fuel piping and/or wiring is clearly illustrated as being located within the air chamber. In addition, column 4, lines 11-16 and 21-33 state the following:

The air chokes 8 and the injectors 11 are housed preferably in a chamber 15 formed within a container 16, usually called air box, having at least one inlet 17 through which air flows in through a pipe 18 which, at least at the part of it near the inlet, is oriented in the direction in which the vehicle where the engine is mounted is travelling.

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Advantageously, in another embodiment illustrated in FIG. 4, the injectors 11 are mounted on the container 16 in holes 19 made in the container 16 itself.

The nozzle of each injector 11 permanently faces the inside of the chamber 15 and lies on the same axis as the corresponding air choke 8. the body of the injector 11 is positioned inside the hole 19 and thus seals it. This solution improves the air flow for engine intake because the absence of parts for mounting the injectors. Furthermore, when the injectors 11 have to be changed or for other maintenance purposes, they can be accessed directly from outside the container 16 without having to open the container 16.

Applicants respectfully submit that the above portion of Mengoli discloses absolutely nothing with regard to where the fuel piping and wiring for the fuel injector 11 are located. In view of this, the Mengoli reference fails to disclose the recitation "wherein all fuel piping and wiring to an from said fuel injection valve are located outside of said air chamber" as recited in independent claim 2. In addition, since none of the Figures of Mengoli or any remaining portion of the specification discloses all of the fuel piping and wiring being

located outside of the air chamber 16, Applicants submit that the Mengoli reference fails to disclose this aspect of the present invention. Accordingly, the Mengoli reference fails to anticipate independent claim 2 of the present invention.

With regard to independent claim 3, this claim is directed to an engine fuel injection apparatus and recites a combination of elements including the recitation "wherein the fuel injection valve provided on the wall of said air chamber is a first fuel injection valve for high-speed operation of the engine, and the air intake passage is provided with a second fuel injection valve for low-speed operation of the engine." Applicants submit that the Mengoli reference fails to disclose this aspect of the present invention.

Referring to the Mengoli reference, this reference discloses fuel injection valves 11 (Figure 4) that are mounted on the wall of the chamber 13. First, there is no indication in the Mengoli reference that one of the fuel injection valves is for high-speed operation and the other of the fuel injection valves is for low-speed operation. Second, the two fuel injection valves 11 are provided on different air intake passages. Therefore, there is no air intake passage that includes two fuel injection valves as recited in claim 3. In view of this, there is no air intake passage that includes a first fuel injection valve and a second fuel injection valve as recited in independent claim 3. Accordingly, the Mengoli reference fails to anticipate independent claim 3 of the present invention.

With regard to independent claim 5, this claim is directed to an engine fuel injection apparatus and recites a combination of elements including the recitation "wherein said air

chamber also serves as an air cleaner case having a filter element therein.” Applicants submit that the Mengoli reference fails to disclose this aspect of the present invention.

Referring to the Mengoli reference, this reference discloses a container 16 (Figure 4) having fuel injection valves 11 mounted thereon. However, the Mengoli reference is silent with regard to the inclusion of an air filter. To the Extent the Examiner believes that an air filter would be inherent in the Mengoli reference, although it may be inherent that the Mengoli reference includes an air filter, claim 5 recites that the air filter is within the air chamber. There is no indication in the Mengoli reference that an air filter would inherently be within the air chamber 15. At the very most, Mengoli would disclose an air cleaner upstream of the air inlet 7. In view of this, the Mengoli reference fails to anticipate independent claim 5 of the present invention.

With regard to independent claim 24, this claim is directed to an engine fuel injection apparatus and recites a combination of elements including “a fuel pump.” In addition, independent claim 24 recites “wherein fuel feed pipes from the fuel pump and the fuel injection valve extend through a gap between a rear wall of the air chamber and a front wall of a fuel tank.” Applicants submit that the Mengoli reference fails to disclose this aspect of the present invention.

Referring to the Mengoli reference, this reference fails to disclose a fuel pump and fails to disclose a fuel tank. In view of this, Mengoli fails to disclose fuel feed pipes “extending through a gap between a rear wall of the air chamber and a front wall of a fuel

tank” as recited in claim 24. Accordingly, the Mengoli reference fails to anticipate independent claim 24 of the present invention.

With regard to independent claim 27, this claim is directed to an engine fuel injection apparatus and recites a combination of elements including “a second fuel injection valve disposed on said air intake passage.” Applicants submit that the Mengoli reference fails to disclose this aspect of the present invention.

As mentioned above with regard to independent claim 3, Mengli discloses two (2) fuel injection valves 11 that are located adjacent to separate air intake passages. Therefore, the second of the fuel injection valves is not located adjacent to “said” air intake passage as recited in claim 27. In addition, neither of the fuel injection valves 11 of Mengoli are located “on” an air intake passage. The only embodiment of Mengoli that discloses a fuel injection valve mounted on the container is Figure 4. Referring to Figure 4, since the fuel injection valves 11 are mounted “on” the container, they are not mounted “on” said air intake passage as recited in claim 27. In view of this, the Mengoli reference fails to anticipate independent claim 27 of the present invention.

With regard to independent claim 33, this claim is directed to an engine fuel injection apparatus and recites a combination of elements including the recitation “wherein the first fuel injection valve is for high-speed operation of the engine, and the second fuel injection valve is for low-speed operation of the engine.” Applicants submit that the Mengoli reference fails to disclose this aspect of the present invention.

Referring to the Mengoli reference, this reference discloses two (2) fuel injection valves 11 (See Figures 1, 2 and 4), wherein one fuel injection valve is lower than the other. However, Mengoli is silent with regard to one of the fuel injection valves being for high-speed operation and the other of the fuel injection valves being for low-speed operation. In view of this, the Mengoli reference fails to anticipate independent claim 33 of the present invention.

With regard to dependent claims 2, 4, 6-8, 10-16, 22, 25, 28-31 and 34-36, Applicants respectfully submit that these claims are allowable due to their respective dependence upon independent claims 2, 3, 5, 27 and 33, as well as due to the additional recitations in these claims.

In view of the above amendments and remarks, Applicants respectfully submit that claims 2-8, 10-16, 22, 24, 25, 27-31 and 33-36 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 102(e) are respectfully requested.

#### **Additional Claims**

Additional claims 37-44 have been added for the Examiner's consideration. Applicants respectfully submit that claims 37-44 are allowable due to their respective dependence upon allowable independent claims 2, 3, 27 and 33, as well as due to the additional recitations in these claims.

Favorable consideration and allowance of additional claims 37-44 are respectfully requested.

### **CONCLUSION**

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a one-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$120.00** is attached hereto.

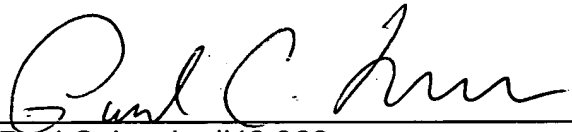
In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.



If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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